

OCT 25 2006



Docket No.: 58418CIP(48497)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Henrik Stender

Application No.: 10/821,805

Confirmation No.: 9064

Filed: April 8, 2004

Art Unit: 1634

For: PEPTIDE NUCLEIC ACID PROBES FOR
DETECTION, IDENTIFICATION AND/OR
QUANTITATION OF PSEUDOMONAS
(SENSU STRICTO)

Examiner: D. B. Johannsen

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed September 25, 2006 (Paper No. 1), applicant hereby provisionally elects claims for continued examination, with traverse.

In response to the restriction requirement set forth in the Office Action mailed September 25, 2006, Applicant hereby provisionally elects claims of Group I, Claims 1-12 and 15-31, for continued examination, with traverse.

First, the subject matter of the groups relates to a single inventive concept for which a single patent should issue. The pending claims represent an intricate web of knowledge, continuity of effort, and consequences, which merit examination of all of these claims in a single application. More particularly, a single, searchable, unifying aspect links all of the claims. This single, searchable, unifying aspect relates to PNA probes and methods of use and incorporation thereof in kits. Second, Applicants

submit that a sufficient search and examination with respect to the subject matter of all claims can be made without serious burden. As the M.P.E.P. states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. § 803 (8th ed., Rev. No. 2, May 2004).

That is, even if the above-enumerated groups of claims are drawn to distinct inventions, the Examiner must still examine the entire application on the merits because doing so will not result in a serious burden. This is especially true in light of the robust and extensive computerized search engines and databases at the Examiner's disposal. Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that each of claims 1-31 presently pending in this application be examined.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 58418CIP(48497).

Dated: October 23, 2006

Respectfully submitted,

By 

Stephana E. Patton

Registration No.: 50,373

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Attorneys/Agents For Applicant



Application No. (if known): 10/821,805

Attorney Docket No.: 58418CIP(48497)

Certificate of Express Mailing Under 37 CFR 1.10

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P.O. Box 1450
Alexandria, VA 22313-1450

on October 23, 2006
Date


Signature

Lynne M. Hawkes

Typed or printed name of person signing Certificate

Registration Number, if applicable

(617) 439-4444
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Response to Restriction Requirement (with Traverse) (2 pages)
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TRANSMITTAL FORM

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Application Number 10/821,805-Conf. #9064

Filing Date April 8, 2004

First Named Inventor Henrik Stender

Art Unit 1634

Examiner Name D. B. Johannsen

Attorney Docket Number 58418CIP(48497)

ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☒ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Reply to Missing Parts/
Incomplete Application

☐ Reply to Missing Parts under
37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ Landscape Table on CD

☐ After Allowance Communication
to TC

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

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☒ Other Enclosure(s) (please
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name EDWARDS ANGELL PALMER & DODGE LLP

Signature 

Printed name Stephana E. Patton

Date October 23, 2006

Reg. No. 50,373